

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Moses Smith,

Plaintiff,

v.

Amazon.com, Inc.,

Defendant.

C/A No. 3:22-cv-3406-JFA-PJG

ORDER

Moses Smith (“Plaintiff”), proceeding pro se, filed this civil action raising state law contract and equitable claims pursuant to the court’s diversity jurisdiction, 28 U.S.C. § 1332. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for pretrial proceedings.

Shortly after appearing in this action, Defendant filed a motion to dismiss or compel arbitration. (ECF No. 44). After reviewing this motion and all responsive briefings, the Magistrate Judge assigned to this action prepared a thorough Report and Recommendation (“Report”). (ECF No. 59). Within the Report, the Magistrate Judge opines that the motion to compel arbitration be granted and this case dismissed. The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Plaintiff was advised of his right to object to the Report, which was entered on the docket on May 10, 2023. *Id.* Plaintiff filed a response on May 22, 2023. (ECF No. 66). Thus, this matter is ripe for review.

A district court is only required to conduct a *de novo* review of the specific portions

of the Magistrate Judge's Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate's Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Within his response, Plaintiff offers no objections to the Report. To the contrary, Plaintiff agrees that this matter is properly subject to arbitration and should be dismissed. (ECF No. 66, p. 1). Accordingly, the court adopts the Report in full.

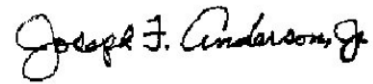
Plaintiff further requests a return of "all physical evidence submitted to the clerk's office" including five books and various emails. To that end, the clerk is ordered to return the five books received with Plaintiff's complaint (ECF No. 4), along with the other documentation identified by Plaintiff. This documentation includes those filings at ECF Nos. 1-2; 12-1; and 57-1.

Plaintiff's filing also poses several questions to the court regarding arbitration. Arbitration proceedings are outside the purview of this court and Plaintiff is referred to his arbitration agreement with Defendant for the information sought.

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 59). Consequently, Defendant's motion to compel arbitration is granted (ECF No. 44) and this action is dismissed.

IT IS SO ORDERED.

May 24, 2023
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge